

UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APF	PLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTO	DRNEY DOCKET NO.
	08/82:	2,709 03/21	797 WALKER	J	WD2-97-006
Г	022927 WALKER DIGITAL ONE HIGH RIDGE PARK STAMFORD CT 06905		LM71/0217	EXAMINER	
				SAYADIAN, H	
			f%.	ART UNIT	PAPER NUMBER
				276	6 17
				DATE MAILED:	// 02/17/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



Office Action Summary

Application No. 08/822,709

Applicant(s)

WALKER et al.

Examiner

Hrayr A. Sayadian

Group Art Unit 2766



Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Queyle</i> , 1935 C.D. 11; 453 O.G. 213. shortened statutory period for response to this action is set to expire	Responsive to communication(s) filed on Nov 17, 1999	·
in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213. shortened statutory period for response to this action is set to expire	This action is FINAL.	
Sposition of Claims Scalar Spand 59 Is/are pending in the application.	Since this application is in condition for allowance except f in accordance with the practice under Ex parte Quayle, 19	for formal matters, prosecution as to the merits is closed 35 C.D. 11; 453 O.G. 213.
Of the above, claim(s)	longer, from the mailing date of this communication. Failure	e to respond within the period for response will cause the
Of the above, claim(s)	Disposition of Claims	,
Claim(s)	X Claim(s) <u>52-55, 58, and 59</u>	is/are pending in the application.
Claim(s) 52-55, 58, and 59	Of the above, claim(s)	is/are withdrawn from consideration.
Claim(s)		
Claim(s)	X Claim(s) <u>52-55, 58, and 59</u>	is/are rejected.
See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. The drawing(s) filed on		
The proposed drawing correction, filed on	Application Papers See the attached Notice of Draftsperson's Patent Draw	ing Review, PTO-948.
	☐ The drawing(s) filed on is/are objection	ected to by the Examiner.
The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. § 119 Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d). All Some* None of the CERTIFIED copies of the priority documents have been received. received in Application No. (Series Code/Serial Number) received in this national stage application from the International Bureau (PCT Rule 17.2(a)). *Certified copies not received: Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). Attachment(s) Notice of References Cited, PTO-892 Information Disclosure Statement(s), PTO-1449, Paper No(s). 10 & 14 Interview Summary, PTO-413 Notice of Draftsperson's Patent Drawing Review, PTO-948 Notice of Informal Patent Application, PTO-152	☐ The proposed drawing correction, filed on	is 🗖 approved 🗖 disapproved.
Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d). Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d). All Some* None of the CERTIFIED copies of the priority documents have been received. received in Application No. (Series Code/Serial Number) received in this national stage application from the International Bureau (PCT Rule 17.2(a)). *Certified copies not received: Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). *Attachment(s) Notice of References Cited, PTO-892 Information Disclosure Statement(s), PTO-1449, Paper No(s). 10 & 14 Interview Summary, PTO-413 Notice of Draftsperson's Patent Drawing Review, PTO-948 Notice of Informal Patent Application, PTO-152	$igtheright{igtiened}$ The specification is objected to by the Examiner.	
Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d). □ All □ Some* □ None of the CERTIFIED copies of the priority documents have been □ received. □ received in Application No. (Series Code/Serial Number) □ □ received in this national stage application from the International Bureau (PCT Rule 17.2(a)). *Certified copies not received: □ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). Attachment(s) Interview Summary, PTO-892 Interview Summary, PTO-413 Notice of Draftsperson's Patent Drawing Review, PTO-948 Notice of Informal Patent Application, PTO-152	☐ The oath or declaration is objected to by the Examiner.	
received in Application No. (Series Code/Serial Number) received in this national stage application from the International Bureau (PCT Rule 17.2(a)). *Certified copies not received: Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). *Attachment(s) Notice of References Cited, PTO-892 Information Disclosure Statement(s), PTO-1449, Paper No(s). 10 & 14 Interview Summary, PTO-413 Notice of Draftsperson's Patent Drawing Review, PTO-948 Notice of Informal Patent Application, PTO-152	☐ All ☐ Some* ☐ None of the CERTIFIED copies	
*Certified copies not received: Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). Attachment(s) Notice of References Cited, PTO-892 Information Disclosure Statement(s), PTO-1449, Paper No(s). 10 & 14 Interview Summary, PTO-413 Notice of Draftsperson's Patent Drawing Review, PTO-948 Notice of Informal Patent Application, PTO-152	_	lumber)
 Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). Attachment(s) ☒ Notice of References Cited, PTO-892 ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 10 & 14 ☐ Interview Summary, PTO-413 ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Notice of Informal Patent Application, PTO-152 	received in this national stage application from the	ne International Bureau (PCT Rule 17.2(a)).
Attachment(s) Notice of References Cited, PTO-892 Information Disclosure Statement(s), PTO-1449, Paper No(s). 10 & 14 Interview Summary, PTO-413 Notice of Draftsperson's Patent Drawing Review, PTO-948 Notice of Informal Patent Application, PTO-152		
 Notice of References Cited, PTO-892 ☑ Information Disclosure Statement(s), PTO-1449, Paper No(s). 10 & 14 ☑ Interview Summary, PTO-413 ☑ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☑ Notice of Informal Patent Application, PTO-152 	Acknowledgement is made of a claim for domestic price	prity under 35 U.S.C. § 119(e).
 Information Disclosure Statement(s), PTO-1449, Paper No(s)	Attachment(s)	
 □ Notice of Draftsperson's Patent Drawing Review, PTO-948 □ Notice of Informal Patent Application, PTO-152 	☑ Information Disclosure Statement(s), PTO-1449, Paper	No(s). <u>10 & 14</u>
☐ Notice of Informal Patent Application, PTO-152		948
CER OFFICE ACTION ON THE FOLLOWING BACES		
CER OFFICE ACTION ON THE FOLLOWING BACES		
	OFF OFFICE ACTION OF	N THE FOLLOWING BAGES

Application/Control Number: 08/822,709

Art Unit: 2766

GENERAL

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

OBJECTIONS/REJECTIONS NOT BASED ON PRIOR ART

DISCLOSURE: Drawings

2. The drawings are objected to under 37 C.F.R. 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, all of the device-apparatus elements and process steps in the independent claims must be shown or else canceled from the claims.

No new matter may be entered.

DISCLOSURE: Abstract

3. The Abstract of the Disclosure is objected to because it does not include that which is new in the art to which the invention pertains. For a review of the proper content and form of an Abstract of the Disclosure, see M.P.E.P. § 608.01(b).

Correction is required but may be delayed until this Application is allowed. No new matter may be introduced.

DISCLOSURE: Specification

4. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 C.F.R. 1.75(d)(1) and M.P.E.P. § 608.01(o). Correction

Art Unit: 2766

of the following is required: In claims 52, 55, and 58 as amended recite calculating a change amount of a merchandise transaction (not including the lottery bought), providing a prompt (to the customer) for a lottery ticket purchase in exchange for the change amount, and receiving a request (from the customer) to purchase a lottery ticket in exchange for the change amount. The detailed description does not antecedent basis for these limitations. Rather the specification is directed to a customer who asks to purchase a lottery rather than the POS offering the customer a lotto in exchange for a change amount resulting from a merchandise purchase transaction.

The specification should be amended to provide antecedent basis to the claims. However, new matter may NOT be added.

6. The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to disclose the invention.

Claims as now amended contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 52, 55, and 58 as amended recite calculating a change amount of a merchandise transaction (not including the lottery bought), providing a prompt (to the customer) for a lottery ticket purchase in exchange for the change amount, and receiving a request (from the customer) to purchase a lottery ticket in exchange for the change amount. The specification as originally filed does not provide support for these limitations.

DISCLOSURE: New Matter Added

7. The amendment filed 11-17-1999 is objected to under 35 U.S.C. § 132 because it introduces new matter into the specification. 35 U.S.C. § 132 states that no amendment shall introduce new matter into the disclosure of the invention.

The added material which is not supported by the original disclosure is as follows: In claims 52, 55, and 58 as amended recite calculating a change amount of a merchandise transaction (not including the lottery bought), providing a prompt (to the customer) for a lottery ticket purchase in exchange for the change amount, and receiving a request (from the customer) to purchase a lottery ticket in exchange for the change amount. The specification as originally filed does not provide support for these limitations.

In response to this office action, Applicants are required either specifically to point to portions of the specifications that support and enable every feature of the added matter objected to or to cancel the new matter.

Application/Control Number: 08/822,709 Page 4

Art Unit: 2766

DISCLOSURE: Claims

8. Claims 52-55, 58, and 59 are rejected under 35 U.S.C. §35 U.S.C. § 112, first paragraph, as claims that contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. See supra, ¶¶ 5-7, objections to the specification and 132 new matter objection to the specification.

ALLOWABLE SUBJECT MATTER

9. Claims 52-55, 58, and 59 are allowable over the prior art of record. The following is Examiner's statement of reasons for indicating allowable subject matter:

The cited prior art, neither alone nor in combination, teaches or suggests the limitations of, in a point of sale terminal, calculating a change amount of a merchandise transaction, offering to exchange the change amount for a lottery ticket, and printing the lottery information on a transaction receipt.

The cited prior art neither anticipates nor renders obvious said limitations. Molbak does not address offering a lottery ticket information; rather it offers to have the change donated to charities.

TIME PERIOD FOR RESPONSE

This Action Is Made Final

10. Applicants' amendment necessitated the new grounds of rejection.

Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P. § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 C.F.R. 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION.

In the event a first response is filed within two months of the mailing date of this final action and the advisory action is not mailed until after the end of the three-month shortened statutory period, then the shortened statutory period will expire on the date the

;

Application/Control Number: 08/822,709

Art Unit: 2766

advisory action is mailed, and any extension fee pursuant to 37 C.F.R. 1.136(a) will be calculated from the mailing date of the advisory action.

IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

INFORMATION ON HOW TO CONTACT THE USPTO

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Hrayr A. Sayadian whose telephone number is (703) 306-4169. The examiner can normally be reached on Monday through Friday, from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Gail Hayes, can be reached on (703) 305-9711. The fax phone number for Technology Center 2700 is (703) 308-9051 or 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 305-3800 or 305-4700.

Hrayr A. Sayadian

2-4-2000

GAIL O. HAYES SUPERVISORY PATENT EXAMINER

Aul Hys

GROUP 2700